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02-07-03

**PATENT**  
Atty Docket No. KLAC0012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

CHRISTOPHER FAIRLEY, ET AL.

Title: CONFOCAL WAFER INSPECTION  
METHOD AND APPARATUS

Serial No.: 09/533,203

Filed: MARCH 23, 2000

Group Art Unit: 2878

Examiner: Eric J. Spears

**LETTER - REQUEST FOR DEPOSIT ACCOUNT REFUND**

PTO Office of Finance  
Crystal Park 1  
Suite 307  
Arlington, VA 22202  
Attn: Latrice Sims

Re: Deposit Account 502026

Ms. Sims:

OFFICE OF FINANCE  
RECEIVED  
MARCH 20 AM 3:47  
U.S. PATENT & TRADEMARK  
OFFICE

Attorneys for Applicants in the above-entitled case were advised by personnel in the Deposit Account division to prepare and transmit this letter to your attention.

This is in regard to Smyrski & Livesay, LLP Deposit Account 502026, and particularly the two charges totaling \$558 dated September 4, 2002. A copy of the Monthly Statement for Deposit Account 502026 is attached as Exhibit A.

For U.S. Patent Application 09/533,203, prior to the amendment submitted on June 28, 2002, Applicants had paid for 33 total claims including 4 independent claims.

The June 28, 2002 amendment added 17 claims including 3 new independent claims, for a total of 50 claims with 7 independent.


All papers submitted with the June 28, 2002 amendment are reflected in the Certificate of Mailing, attached hereto as Exhibit B. The increase in number of claims was reflected in the Patent Application Fee Determination Record submitted with the June 28 amendment, Exhibit B hereto. The increase in claims resulted in an additional fee of \$558, shown in the Patent Application Fee Determination Record of Exhibit C. Applicants paid the additional \$558 claim fee by check on June 28, 2002. Exhibit D shows check 5085 in the amount of \$558 transmitted to the PTO on June 28, 2002. Also illustrated in Exhibit D is the return postcard received showing receipt of check 5085 by OIPE on July 8, 2002.

Applicants submit that they paid for all additional claims on June 28, 2002, and that the charge of \$558 on September 4, 2002 to Deposit Account 502026 was incorrect. Had it not been for this errant \$558 charge, the balance for Deposit Account 502026 would not have dropped below \$1000 and no Service Charge would apply. Applicants request full and immediate refund of the \$558 plus the \$25 Service Fee, a total of \$583, to Deposit Account 502026.

Should the PTO Office of Finance have any questions in this regard, it is requested that the Office of Finance contact the undersigned attorney, preferably by telephone, to discuss this matter and resolve any concerns.

Respectfully submitted,

Date: November 13, 2002

  
Steven W. Smyrski, Esq.  
Registration No. 38,312

SMYRSKI & LIVESAY, LLP  
3310 Airport Avenue, SW  
Santa Monica, California 90405-6118  
Phone: 310.397.9118  
Fax: 310.397.9158

# **Exhibit A**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

**MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

Account No.	502026
Date	9-30-02
Page	1

SMYRSKI & LIVESAY, LLP  
STEVEN W SMYRSKI, ESQ.  
3310 AIRPORT AVENUE, SW

FINA

SANTA MONICA CA 90405-6118

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
9	4	02	7	KLAC 12 09533203	81208/246268	103	306.00	993.00
9	4	02	8	KLAC 12 09533203	81208/246268	102	252.00	741.00
9	23	02	2	PCT/US01/51619		704	-252.00	993.00
9	30	02	385	SERVICE CHARGE		608	25.00	968.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					1299.00	583.00	252.00	968.00

\*\*\* CD INDICATES OVERDRAW \*\*\*

# **Exhibit B**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of  
CHRISTOPHER FAIRLEY, ET AL.  
Title: CONFOCAL WAFER INSPECTION METHOD  
AND APPARATUS  
Serial No.: 09/533,203  
Filed: MARCH 23, 2000

Group Art Unit: 2878  
Examiner: Eric J. Spears

CERTIFICATE OF MAILING

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

I hereby certify that the following:

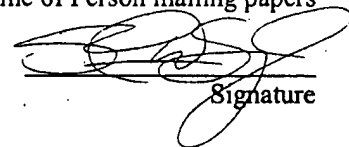
- ☒ Response to Office Action
- ☒ Petition for Extension of Time
- ☒ Check in the amount of \$110 for a one month extension of time
- ☒ Fee Determination Record
- ☒ Check in the amount of \$558 for additional claims
- ☒ Revocation of Power of Attorney, Change of Correspondence Address, and Statement under 37 C.F.R. 3.73(B)
- ☒ Return postcard

are being deposited with the United States Postal Service, postage paid first class, in an envelope addressed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

6/28/2002  
Date of Deposit

Steven W. Smyrski  
Name of Person mailing papers

  
Signature

# **Exhibit C**

## Application or Docket Number

09/533, 203

(Column 1)

(Column 2)

SMALL ENTITY

OR OTHER THAN  
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	33	minus 20 = * 13
INDEPENDENT CLAIMS (37 CFR 1.16(b))	4	minus 3 = * 1
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

RATE	FEE		RATE	FEE
	\$ _____	OR		\$ _____
x \$ _____ =		OR	x \$ _____ =	
x _____ =		OR	x _____ =	
+ _____ =		OR	+ _____ =	
TOTAL		OR	TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR OTHER THAN  
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA
	Total (37 CFR 1.16(c))	* 50	Minus	** 33	= 17
Independent (37 CFR 1.16(b))	* 7	Minus	*** 4	= 3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					(37 CFR 1.16(d))

RATE	ADDITIONAL FEE	
x \$ <u>18</u> =		OR x \$ <u>18</u> = 306
x <u>84</u> =		OR x <u>84</u> = 252
+ <u>      </u> =		OR + <u>      </u> =
TOTAL DDIT FEE		OR TOTAL ADDIT FEE 558

		(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR
				PRESENT EXTRA
	Total (37 CFR 1.16(e))	*	Minus	**
	Independent (37 CFR 1.16(b))	*	Minus	***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDITIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL ADDIT. FEE	

OR

RATE	ADDITIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL ADDIT. FEE	

		(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**
	Independent (37 CFR 1.16(b))	*	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE	
x \$_____ =		OR	x \$_____ =	
x _____ =		OR	x _____ =	
+ _____ =		OR	+ _____ =	
TOTAL ADDITIONAL FEE		OR	TOTAL ADDITIONAL FEE	

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



# Exhibit D

S.N. 09/533203 File No. KLA00127 Mailed 6/28/02 By: SWS  
Title: CONFOCAL WAFER INS. CTION METHOD & APP.  
(Client Name) KLA-TEKOR

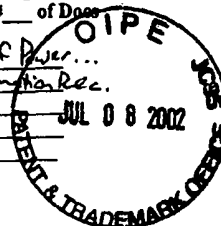
The following was received in the U.S. Patent date stamped hereon:

☒ Amendment  
☐ Preliminary Amendment  
☐ PCT Application Including:  
Pps Spec. Page Abstr Claims  
☐ Application for Patent Including:  
Pps Spec. Page Abstr Claims  
☐ Declaration, affidavit, oath (Page(s))  
☐ Assign: Check # for \$  
☐ Verified Statement  
☒ Letter of Transmittal (Let of Mail)  
☐ Maintenance Fee Transmittal  
☒ Check No. 5084 for \$ 110.00  
☒ Check No. 5085 for \$ 558.00  
☐ Check No. for \$

S.N. 09/533203 File No. KLA00127 Date Mailed 6/28/02 By: SWS  
Title: CONFOCAL WAFER INSPECTION METHOD & APP.  
(Client Name) KLA-TEKOR  
The following was received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Amendment  
☐ Preliminary Amendment  
☐ PCT Application Including:  
Pps Spec. Page Abstr Claims  
☐ Application for Patent Including:  
Pps Spec. Page Abstr Claims  
☐ Declaration, affidavit, oath (Page(s))  
☐ Assign: Check # for \$  
☐ Verified Statement  
☒ Letter of Transmittal (Let of Mail)  
☐ Maintenance Fee Transmittal  
☒ Check No. 5084 for \$ 110.00  
☒ Check No. 5085 for \$ 558.00  
☐ Check No. for \$

Drawings: # of Sheets  
Formal Informal  
☐ Issue Fee Transmittal  
☐ Letter re  
☐ Notice of Appeal  
☒ Petition for Ext. of Time  
☐ Advance soft copy order  
☐ Check # for \$  
☐ Certified Copy: # of Docs  
IDS  
☒ Revocation of Power...  
☒ Fee Determining Rec.



SMYRSKI & LI  
SOUTHERN CALIF.  
3310 AIRPORT AVENUE, SW  
SANTA MONICA, CALIFORNIA 90405-6118  
310.397.9118

DATE 6/28/02 11-4288-1210

PAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS

\$558.00

FIVE HUNDRED FIFTY EIGHT AND 00/100

DOLLARS



Wells Fargo Bank, N.A.  
California  
www.wellsfargo.com

FOR KLA00127 ADDITIONAL CLAIMS

⑈005085⑈+⑈1⑈2⑈10⑈4⑈288⑈2⑈2⑈48⑈3⑈4⑈3⑈2⑈2⑈4⑈7⑈⑈

SMYRSKI & LIVESAY, LLP  
SOUTHERN CALIFORNIA OFFICE  
3310 AIRPORT AVENUE, SW  
SANTA MONICA, CALIFORNIA 90405-6118  
310.397.9118

5084

DATE 6/28/02 11-4288-1210

PAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS

\$110.00

ONE HUNDRED TEN AND 00/100

DOLLARS



Wells Fargo Bank, N.A.  
California  
www.wellsfargo.com

FOR KLA00127 EXTENSION OF TIME

⑈005084⑈+⑈1⑈2⑈10⑈4⑈288⑈2⑈2⑈48⑈3⑈4⑈3⑈2⑈2⑈4⑈7⑈⑈